

Appl. Serial No.: 10/500,671

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

<u>Groups</u>	<u>Claims</u>	<u>Subject Matter</u>
I	1-21	A chimeric protein comprising a first domain that is a nucleic acid binding domain and a second domain that is capable of associating with the nuclear periphery.
II	22-24 and 26-27	A nucleic acid molecule encoding a protein that comprises a first domain that is a nucleic acid binding domain and a second domain that is capable of associating with the nuclear periphery, an expression vector comprising said nucleic acid, and a host cell comprising said expression vector.
III	25	A method of producing a chimeric protein, comprising culturing a host cell under conditions to express the chimeric protein.
IV	28-39	A method of binding a target nucleic acid with a chimeric protein.
V	40-57	A molecular switch system comprising a first fusion protein comprising a first domain capable of binding a nucleotide sequence and a second domain capable of binding to a first binding moiety of a divalent ligand, and a second fusion protein comprising a first domain capable of associating with the nuclear periphery and a second domain capable of binding to the second binding moiety of the divalent ligand.
VI	58-62 64-65	A nucleic acid encoding a first protein and/or a second protein, wherein the first protein comprises a first domain capable of binding a nucleotide sequence and a second domain capable of binding to a first binding moiety of a divalent ligand, and the second protein comprises a first domain capable of associating with the nuclear periphery and a second domain capable of binding to the second binding moiety of the divalent ligand, an expression vector comprising said nucleic acid, and a host cell comprising said expression vector.

Appl. Serial No.: 10/500,671

- |      |       |   |
|------|-------|---|
| VII  | 63    | A method of making a fusion protein comprising culturing cells comprising expression vectors encoding one or both of two fusion proteins.   |
| VIII | 66-68 | A method of temporally or spatially repressing expression of a target gene, comprising contacting a cell or organism with a molecular switch system comprising a first fusion protein comprising a first domain capable of binding a nucleotide sequence and a second domain capable of binding to a first binding moiety of a divalent ligand, and a second fusion protein comprising a first domain capable of associating with the nuclear periphery and a second domain capable of binding to the second binding moiety of the divalent ligand. |

#### APPLICANTS' ELECTION

Applicants hereby elect the Invention of Group II, claims 22-24 and 26-27, drawn to a nucleic acid molecule encoding a protein that comprises a first domain that is a nucleic acid binding domain and a second domain that is capable of associating with the nuclear periphery, an expression vector comprising said nucleic acid, and a host cell comprising said expression vector, for prosecution at this time.

In addition to the requirement to elect of a group of claims, the Examiner has further asserted that the application contains claims directed to more than one species of the generic Invention for Group I. Accordingly, the Examiner is requiring election of a single species (one combination of nucleic acid binding domain and domain capable of associating with the nuclear periphery, i.e., one chimeric protein) to which the claims shall be restricted if no generic claim is finally held to be allowable.

According to the Examiner, the species include subspecies as follows:

- (A) type of nucleic acid binding domain such as zinc finger protein, leucine zipper protein, helix-turn-helix protein, helix-loop-helix protein, or a specific combination thereof, as recited in claim 2; and
- (B) type of domain capable of associating with the nuclear periphery such as GCL protein, HP1 and polycomb-group proteins.

Appl. Serial No.: 10/500,671

In compliance with the Examiner's request, Applicants herein elect a single species drawn to a nucleic acid molecule encoding a protein that comprises a first domain that is an artificial zinc finger protein (AZP) and a second domain that is a GCL protein.

Applicants respectfully submit that the election of the above-mentioned representative species does not place an undue burden on the Examiner to perform a complete search of the defined areas. Further, the present species elections are made without traverse to the extent that it is understood that, upon the finding of an allowable species, examination will continue until all species have been examined, or a non-allowable species is found, all in accordance with the procedures set forth in the Manual of Patent Examining Procedure § 803.02.

#### REMARKS

Claims 1-68 had been pending in the subject U.S. patent application. Claims 1-18 are herein canceled and new claims 69-86 are herein added. As a result, claims 19-21, 25 and 28-68 are withdrawn from prosecution due to restriction requirement. Claims 22-24, 26-27 and 69-86 are currently pending. Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter.

Claim 22 has been amended herein by the following textual insertion: "A nucleic acid comprising a nucleotide sequence encoding a the-chimeric protein of Claim 4 comprising one or more first domains capable of specifically binding a nucleotide sequence associated with a target gene and one or more second domains capable of associating with the nuclear periphery, wherein at least one of said first domains is heterologous with respect to at least one of said second domains." Support for this amendment can be found throughout the claims and specification as filed and, in particular, at original claim 1. Accordingly, no new matter has been added by this claim amendment.

DEC 05 2007

Appl. Serial No.: 10/500,671

Support for new claims 69-86 can be found throughout the claims and specification as filed and, in particular, at claims 2-19. Accordingly, no new matter has been added by this claim amendment.

CONCLUSIONS

Should there be any minor issues outstanding in this matter the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

DEPOSIT ACCOUNT

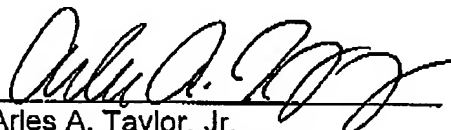
The Commissioner is hereby authorized to charge any deficiencies or other fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR, &amp; HUNT P.A.

Date: December 5, 2007

By:

  
Arles A. Taylor, Jr.  
Registration No. 39,395  
Customer No. 25297  
(919) 493-8000

AAT/LLK/dbp